

REMARKS

Applicant thanks the Examiner for total consideration given the present application. Claims 1-10 remains pending. Claims 9, 11, and 16 have been amended and new claims 18-20 have been added through this Reply. Claims 9, 11, and 16 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

35 U.S.C. § 102 REJECTION – TAKEHIKO

Claims 9-17 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Takehiko (JP 09-292895) (hereinafter “Takehiko”). Applicant respectfully traverses this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02*. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Takehiko fails to teach or suggest each and every claimed element. For example, independent claim 9 recites, *inter alia*, “A vehicle mounted control apparatus comprising: *a determination section to determined wherein input signal is a signal to select executing an operation guidance mode or a signal to select executing a processing of command execution mode*; a voice command receiver ... a voice recognition section ... a control section that analyzes a cause of incapability of recognition of the voice command when the voice command cannot be recognized by the voice recognition section and gives a notice on result of the analysis; and *a command execution section that executes the voice command when the voice command is recognized by the voice recognition section.*” *Emphasis added.*

In contrast, Takehiko teaches a human machine interface apparatus that includes a voice input means 1, time amount measurement means 2, a dependability judging means 3, a reliability judgment means 4, and CPU 6. More specifically, Takehiko teaches that the dependability judging means 3 carries out determining dependability of a sound input from the voice input means. A speech recognition means 5 recognizes that speech based on a reliability levels of a

recognition result and outputs the results to the CPU 6. The CPU controls an audio frequency of the output. In addition, Takehiko's device outputs a reliability level of the speech recognition on a display or screen 21 with color green (high recognition), yellow (medium recognition), and red (low recognition).

However, Takehiko fails to teach that the device described above is a vehicle mounted control apparatus including "*a determination section to determined wherein input signal is a signal to select executing an operation guidance mode or a signal to select executing a processing of command execution mode,*" as recited in claim 9. The instant application determines whether the input signal is utilize as an execution of an operation guidance mode or a voice command execution mode. Claim 1 further comprises "*a command execution section that executes the voice command when the voice command is recognized by the voice recognition section,*" as recited in claim 9. The instant application executes the voice command that the voice command is recognized by the voice recognition section. In contrast Takehiko merely outputs the voice input with reliability rating of the output without specific application of the voice input that executes a specific command through the command execution section.

Therefore, Takehiko fails to teach every single features in claim 9. Similarly, claims 11 and 16 include some of the features in claim 9. For the reasons above, independent claims 9, 11, and 16 are distinguishable from Takehiko. Claims 10, 12-15, and 17 depend from claims 9, 11, and 16. Therefore, for at least the reasons stated with respect to claims 9, 11, and 16, claims 10, 12-15 and 17 are also distinguishable from Takehiko.

Accordingly, Applicant respectfully requests that the rejection of claims 9-17, based on Takehiko, be withdrawn.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact D. Richard Anderson Reg. No. 40,439 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Application No. 10/506,890
Amendment dated DRAFT
Reply to Office Action of November 5, 2007

Docket No.: 1163-0515PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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